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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,142	12/29/2000	Stephane Bouet	017.39113X00	6770

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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

EXAMINER

TIV, BACKHEAN

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/750,142		BOUET, STEPHANE	
	Examiner		Art Unit	
	Backhean Tiv		2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Claims 1-45 are pending in this application. Claims 1-45 have been amended.

This is a response to the Amendment/Remarks filed on 9/14/05.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,594,692 issued to Reisman in view of U.S. Patent Number 6,587,873 issued to Nobakht et al. (Nobakht) in further view of admitted prior art.

As per claims 1, 22, Reisman disclosed a media content delivery system comprising: a system database for storing a plurality of media files (Abstract, Figure 1); a user input device for selecting selected media files from the plurality of media files in said database to be outputted (Abstract, Figure 1, column 20 lines 57-65, column 21 lines 19-24); an output device for outputting the selected media files; an external data interface for receiving media file for storage in the system database (Abstract, Figures 1, 7, 12, column 10 lines 52-67), and a media content delivery system controller responsive to selection by said user input device of at least one of the selected media files stored in said database, to apply the at least one selected media file to said output

device for outputting (Abstract, Figures 1 & 12, column 20 lines 57-65, column 21 lines 19-24)

Reisman did not expressly teach an integrated circuit card interface adapted to hold an integrated circuit card having encoded thereon criteria for accepting the received media files for storage in said database; and in responsive to receipt by said external data interface of media files, to compare each of the received media files received from the external data interface with the criteria from the integrated circuit card, and the controller control is further adapted to store in said system database the received media files received by said external data interface which meet criteria on an integrated circuit card held in said integrated circuit card interface; and wherein the plurality of media files stored by the system database are not stored in the integrated circuit card.

Reisman suggested exploration of art and/or provided a reason to modify the delivery system with other storage devices such as the integrated circuit (IC) card to enable flexible and appropriate online service charging mechanism for online media products (column 2 lines 39-48, column 10 lines 52-67, column 29 line 62-67, column 62 lines 29-32).

Nobakht disclosed a system for selectively updating the terminal database [channel table database] having an integrated circuit card interface adapted to hold an integrated circuit card [smart card] having encoded thereon criteria for accepting the received media files for storage in said database (Figures 2, 3B, 4, column 4 lines 51-65, column 6 lines 34-49); and in responsive to receipt by said external data interface of

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media files, to compare each of the received media files received from the external data interface with the criteria' from the integrated circuit card (Figure 3B, column 8 line 64-column 9 line 10, column 9 lines 36-51, column 12 lines 50-65), and the controller control is further adapted to store in said system database the received media files received by said external data interface which meet criteria on an integrated circuit card held in said integrated circuit card interface (Figure 3B, column 8 line 64-column 9 line 10, column 9 lines 36-51, column 12 lines 50-65); and wherein the plurality of media files stored by the system database are not stored in the integrated circuit card (Figures 2, 3B, 4, column 5 lines 35-40, column 7 lines 23-41).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the delivery system of Reisman with the teachings of Nobakht to include the IC card feature in order to offer user greater flexibility because IC cards would have the function for preventing unauthorized reading from and/or writing to system database (Nobakht, Figure 3B, column 6 lines 42-49) since online services are oriented to extended online sessions which require complex user interaction (Reisman, column 2 lines 24-30).

On ordinary skill in the art would have been motivated to combine the teachings of Reisman, and Nobakht in order to provide a system to prevent unauthorized reading from and/or writing to system database (Nobakht, Figure 3B, column 6 lines 42-49) since online services are oriented to extended online sessions which require complex user interaction (Reisman, column 2 lines 24-30).

Reisman in view of Nobakht does not explicitly teach a service point device.

Prior art as admitted by the applicant on pages 1-4, teaches the use of a kiosk, which is interpreted as the service point device.

It would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Reisman in view of Nobakht to explicitly use a service point device as admitted by the applicant as prior art in order to download various multimedia without the use of a sales representative (applicant specification, page 1).

One ordinary skill in the art would have been motivated to combine the teachings of Reisman, Nobakht, and the explicit use of a service point device in order to provide a system to download various multimedia without the use of a sales representative (applicant specification, page 1).

As per claim 2, Nobakht disclosed a media content delivery system wherein said user input device comprises a keyboard (Figure 4). Motivation to combine set forth in claim 1.

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As per claim 3, Reisman disclosed a media content delivery system wherein said user input device comprises a mouse (column 22 lines 43-51).

As per claim 4, Reisman disclosed a media content delivery system wherein said user input device comprises an electronic interface (Figure 12).

As per claim 5, Reisman disclosed a media content delivery system wherein said output device comprises a video output device (Figure 12, column 57 lines 47-65).

As per claim 6, Reisman disclosed a media content delivery system wherein said output device comprises an audio output device (Figure 12, column 57 lines 47-65).

As per claim 7, Reisman disclosed a media content delivery system wherein said output device comprises an electronic interface (Figure 12, column 57 lines 47-65).

As per claim 8, Reisman disclosed a media content delivery system wherein said external data interface comprises a wire connection (Figure 12, column 30 lines 1-4).

As per claim 9, Reisman disclosed a media content delivery system further comprising a server connected to said wire connection (Figure 12, column 30 lines 1-4).

As per claim 10, Reisman disclosed a media content delivery system further comprising a computer connected to said server (Figure 12).

As per claim 11, Reisman disclosed a media content delivery system wherein said external data interface comprises a wireless connection (column 5 lines 39-47, column 30 lines 1-4).

As per claim 12, Reisman disclosed a media content delivery system further comprising a server connected to said wireless connection (column 5 lines 39-47, column 30 lines 1-4).

As per claim 13, Reisman disclosed a media content delivery system further comprising a computer connected to said server (Figure 12, column 5 lines 39-47).

As per claim 14, Reisman disclosed a media content delivery system wherein said external data interface comprises a compact disc raid only memory drive (Figure 12, column 57 lines 47-65).

As per claim 15, Reisman disclosed a media content delivery system wherein said external data interface comprises a digital video disc drive (Figure 12, column 57 lines 47-65).

As per claim 16, Reisman disclosed a media content delivery system wherein said external data interface comprises a computer disk drive (Figure 12, column 57 lines 47-65).

As per claim 17, Reisman and Nobakht combined disclose a media content delivery system, wherein said integrated circuit card interface is adapted to hold an integrated circuit card having encoded thereon criteria identifying an e-mail address, and said external data interface is adapted to receive email for the identified e-mail address (Reisman, column 55 lines 53-53; Nobakht, Figure 3B, column 6 lines 13-14, column 8 line 64-column 9 line 10). Motivation to combine set forth in claim 1.

As per claim 18, Nobakht disclosed a media content delivery system further comprising an integrated circuit card having encoded thereon criteria for accepting media files for storage in said database (Figure 3B, column 8 line 64-column 9 line 10). Motivation to combine set forth in claim 1.

As per claim 19, Reisman disclosed a media content delivery system wherein the criteria are encrypted (column 8 lines 24-38).

As per claim 20, Reisman and Nobakht combined disclose a media content delivery system wherein the criteria include an e-mail address (Reisman, column 55 lines 53-53; Nobakht, Figure 3B, column 6 lines 13-14, column 8 line 64-column 9 line 10). Motivation to combine set forth in claim 1.

As per claim 21, Reisman and Nobakht combined disclose a media content delivery system further comprising a kiosk housing, said database, said user input device, said output device, said integrated circuit card interface, said external data interface, and said controller (Reisman, Figure 12, column 30 lines 1-4; Nobakht, Figure 4). Motivation to combine set forth in claim 1.

As per claim 23, Nobakht disclosed a process wherein step (b) comprises connecting the media content delivery system to an external data source, and receiving the at least one media file from the external data source.(Figure 4). Motivation to combine set forth in claim 1.

As per claim 24, Reisman disclosed a process wherein step (b) comprises connecting the media content delivery system to the external data source by a wire connection (Figure 12, column 30 lines 1-4).

As per claim 25, Reisman disclosed a process as claimed in claim 23, wherein step (b) comprises connecting the media content delivery system to the external data source by a wireless connection (Figure 12, column 30 lines 1-4).

As per claim 26, Reisman disclosed a process wherein step (b) comprises connecting the media content delivery system to a server (Figure 12).

As per claim 27, Reisman disclosed a process wherein step (b) comprises connecting the media content delivery system to a computer (Figure 12).

As per claims 28-34, Reisman and Nobakht combined disclose a process wherein step (b) comprises receiving an audio file, a video file, a video game, a movie, a text file, a newspaper, e-mail file (Reisman, column 20 lines 31-42, column 22 lines

18-31, column 55 lines 53-58; Nobakht, Figure 3B, column 6 lines 13-14, column 8 line 64-column 9 line 10). Motivation to combine set forth in claim 1.

As per claim 35, Reisman disclosed a process wherein the media content delivery system includes a compact disc read only memory drive, and step (b) comprises inserting a compact disc read only memory into the compact disc read only memory drive, and receiving the at least one media file from the compact disc read only memory (column 1 lines 34-45, column 41 lines 3-14, column 42 lines 8-17).

As per claim 36, Reisman disclosed a process wherein the media content delivery system includes a digital video disc drive, and step (b) comprises inserting a digital video disc into the digital video disc drive, and receiving the at least one media file from the digital video disc (column 41 lines 3-14, column 42 lines 8-17).

As per claim 37, Reisman disclosed a process wherein the media content delivery system includes a computer disk drive, and step (b) comprises inserting a computer disk into the computer disk drive, and receiving the at least one media file from the computer disk (Figure 12, column 41 lines 3-14, column 42 lines 8-17).

As per claim 38, Reisman disclosed a media content delivery system wherein the electronic interface comprises: a mobile wireless device [PDA] using a short-range communication link coupling the mobile wireless device to said database (column 1 line 63-column 2 line 8, column 11 lines 18-31).

As per claim 39, a mobile wireless device [PDA] using a short-range communication link coupling the mobile wireless device to said database (applicant admitted prior art, page 1).

As per claim 40, Nobakht disclosed a media content delivery system wherein the criteria comprise: an identification of at least one type of file which may be accepted for storage in said database (Figure 3(B), column 8 line 64-column 9 line 10). Motivation to combine set forth in claim 1.

As per claims 41-45, the limitations of these claims are similar to the limitations of claim 40, and thus are rejected using the same rationale.

Response to Arguments

Applicant's arguments with respect to claims 1-45 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

US 6,575,835 issued to Mishina et al.

US 5,953,725 issued to Ephraim et al.

US 5,949,411 issued Doerr et al.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Backhean Tiv whose telephone number is (571)272-3941. The examiner can normally be reached on 9 A.M.-12 P.M. and 1 -6 P.M. Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Backhean Tiv
2151
12/21/05



ZARNI MAUNG
SUPERVISORY PATENT EXAMINER